

Attorney Docket No. AUS920010327US1
Serial No. 09/903,724
Response to Office Action mailed April 6, 2006

II. REMARKS

1. The examiner rejected claims 1-36 under 35 U.S.C. 102(e) as being anticipated by Khan (2001/0056395) because Khan discloses, *inter alia*, a program to determine the pricing hint based on historical data (p. 1, 13 to p. 2, 16; p. 3, 63-65; p. 4, 70; and p. 14, 163-164), a program to determine the pricing hint based on current prices (same cites as for historical data); a program to provide the pricing hint based on market value (same cites as for historical data and current prices).
2. Applicant has amended claims 1-5, 8-14, 21, and 29-32. Claims 15-20 and 22-28 have been canceled. Claims 1-14, 21, and 29-36 are pending. Support for the amendments can be found in FIG. 8 and in the specification from page 10, line 9 to page 12, line 6.
3. In regard to Khan, applicant submits that Khan discloses a process in which a user is informed whether or not his bid has been accepted. Khan states: "[a]t the request of the Buyer, the system can provide assistance via prompts, pop-up messages and icons, thereby enabling Buyer to proceed with the bargaining process on his own" and "[a]ssistance from a system consultant is also provided upon Buyer request (0065:11-15)." Khan discloses a "business controller 2.0 assigned expert" that can "comprise a system generated assistant" and can comprise a "consultant, available on an on-line basis, to provide assistance or otherwise facilitate the bargaining process" (0070:3-9).

In regard to the Business Controller, Khan discloses "a modified bargain price modified product or service offering suggested by the Business Controller" (0095:8-10). Khan further discloses "additional bidding assistance" which applicant interprets to include: a "list of current bids," "average bids submitted," "comparative quotes submitted," the "minimum bargain price," and "suggested modification of the bidding price" (0163:15-25). Khan is directed to facilitating

Attorney Docket No. AUS920010327US1
Serial No. 09/903,724
Response to Office Action mailed April 6, 2006

the negotiation process between a buyer and a seller, but in the assistance provided to either buyer or seller, Khan does not disclose the use of a "pricing hint" as disclosed and claimed by applicant, nor does Khan disclose a current price, a market price, and a historical price data base and nor programs to identify the pricing hint for the user based on such databases. Indeed, Khan is silent as to such types of advice to a participant in an on-line sale-offering.

Applicant submits that the amended claims, and those claims depending from the amended claims distinguish over the prior art, and are in condition for allowance.

Respectfully submitted,



Rudolf O. Siegesmund
Registration No. 37,720
Gordon & Rees LLP
Suite 2650
2100 Ross Avenue
Dallas, Texas 75201
214-461-4050
214-231-4703 (direct)
214-461-4053 (fax)
rsiegesmund@gordonrees.com